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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SONYA RENEE *et al.*,

Plaintiffs,

v.

MARGARET SPELLINGS, in her official capacity;  
UNITED STATES DEPARTMENT OF EDUCATION,

Defendants.

Case No. 07-04299 PJH

**PLAINTIFFS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
MOTION FOR LEAVE TO PROCEED  
USING FICTITIOUS NAMES AND TO  
SUBMIT DECLARATIONS UNDER  
SEAL**

Time: 9:00 AM

Date: January 30, 2008

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Plaintiffs hereby respectfully request the Court, pursuant to Federal Rule of Evidence 201, to take judicial notice of the following:

- Exhibit 1 is a true and correct copy of a recent press release downloaded from the official website of United States Immigration and Customs Enforcement (“ICE”), entitled “ICE Fugitive Operations Teams Arrest More Than 30,000 in FY 2007” (Dec. 4, 2007), *available at* <http://www.ice.gov/pi/news/newsreleases/articles/071204washington.htm> (last visited Dec. 21, 2007).
- Exhibit 2 is a true and correct copy of a recent press release downloaded from the official website of ICE, entitled “Largest-ever ICE operation targeting criminal aliens and illegal alien fugitives nets more than 1,300 arrests in Los Angeles area,” (Oct. 3, 2007), *available at* <http://www.ice.gov/pi/news/newsreleases/articles/071003losangeles.htm> (last visited Dec. 21, 2007).

### **MEMORANDUM OF POINTS AND AUTHORITIES**

“A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). “A court shall take judicial notice if requested by a party and supplied with the necessary information.” Fed. R. Evid. 201(d).

Under Federal Rule of Evidence 201, this court may take judicial notice of the records of government agencies and other undisputed matters of public record. *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001). Specifically, a court may properly take judicial notice of official publications of a government agency obtained from the agency’s official website. *Denius v. Dunlap*, 330 F.3d 919, 926 (7th Cir. 1993) (judicial notice taken of information on the website of The National Personnel Records Center, Military Personnel Records). Information on a government website appropriate for judicial notice includes press releases. *In re Network Assocs. Securities Litigation*,

2003 U.S. Dist. LEXIS 14442 \*3 (N.D. Cal. 2003) (judicial notice is appropriate for SEC filings, press releases, and accounting rules); *In re White Elec. Designs Corp. Securities Litigation*, 416 F. Supp. 2d 754, 760 (D. Ariz. 2006) (same).

Here, plaintiffs seek judicial notice of public records available on the official website of the United States Custom and Immigration Enforcement Agency, namely of two recent press releases discussing recent immigration enforcement actions by ICE. Plaintiffs ask the court to take judicial notice of these documents, in particular, the fact that ICE has publicly stated the extent to which it has significantly increased the number of immigration arrests it has made in the past year, as well as that ICE has described its purpose for creating new immigration enforcement teams.

Judicial notice of the official publications of a federal agency is particularly appropriate here, where defendants are the Secretary of Education and the United States Department of Education, another federal agency.

Dated: December 21, 2007

Respectfully submitted,



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JOHN T. AFFELDT  
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PUBLIC ADVOCATES, INC.  
Attorneys for Plaintiffs

# EXHIBIT 1

**December 4, 2007**

ICE Fugitive Operations Teams arrest more than 30,000 in FY2007

*Officer teams and more efficient data contribute to decline in number of criminal aliens, immigration fugitives*

WASHINGTON, D.C - U.S. Immigration and Customs Enforcement (ICE) announced today that their teams of officers who track down criminal aliens and immigration fugitives arrested almost twice as many in fiscal year 2007 than in the previous year. For the first time since records have been kept, the nation's fugitive alien population is on the decline.

In the last fiscal year, which ended on Sept. 30, ICE Fugitive Operations Teams arrested 30,408 individuals - up from 15,462 arrests made in FY 2006. One of the reasons for the increase in arrests is the deployment of dozens more teams across the country. ICE met its goal of deploying 75 teams by the end of FY 2007; up from 52 active teams in FY2006.

The Fugitive Operations Program's rapid growth has spurred its success. However, better coordination of information from state and local law enforcement and more efficient data collection and dissemination have also contributed greatly. As of October 1, 2007, ICE's fugitive case backlog consisted of less than 595,000 fugitive aliens, which is approximately 38,000 fewer fugitives than the population recorded at the same time last year. That number continues to decrease.

"The growing number of arrests made by the ICE Fugitive Operations Teams should serve as a deterrent to people attempting to side-step our nation's laws," said Julie L. Myers, Assistant Secretary for ICE. "We kept our promise to bolster the number of teams this past year and we continue to improve our ability to identify and apprehend individuals who pose a serious threat to our communities or choose to ignore our immigration laws."

**Arrests across the country include:**

- **Luis Medina Gonzalez, 34, of Mexico;** a criminal fugitive alien convicted of beating another man to death more than a decade ago in Mexico. Medina Gonzalez was arrested in Maywood, Calif., and deported the following day.
- **Jose Sanchez-Roches, 47, of Cuba;** a criminal fugitive alien apprehended by the Miami team in May. Sanchez-Roches has a criminal history including convictions for murder, armed robbery, burglary, drug possession, and resisting arrest.
- **Jose Reyes-Reyes, 50, of El Salvador;** a criminal fugitive arrested in Miami. Reyes-Reyes has been removed before and in 1988 he plead guilty to murder in Harris County, Texas, where he served 15 years in prison.
- **Victorino Anaya-Renza, 45, of Mexico;** a criminal fugitive alien convicted of sexual assault and endangering the welfare of a child. Anaya-Renza was arrested in Philadelphia in April for defying an immigration judge's order of removal.
- **Pedro Roman Perez, 59, of the Dominican Republic;** a criminal fugitive alien with U.S. convictions for attempted murder, assault and driving under the influence was arrested in

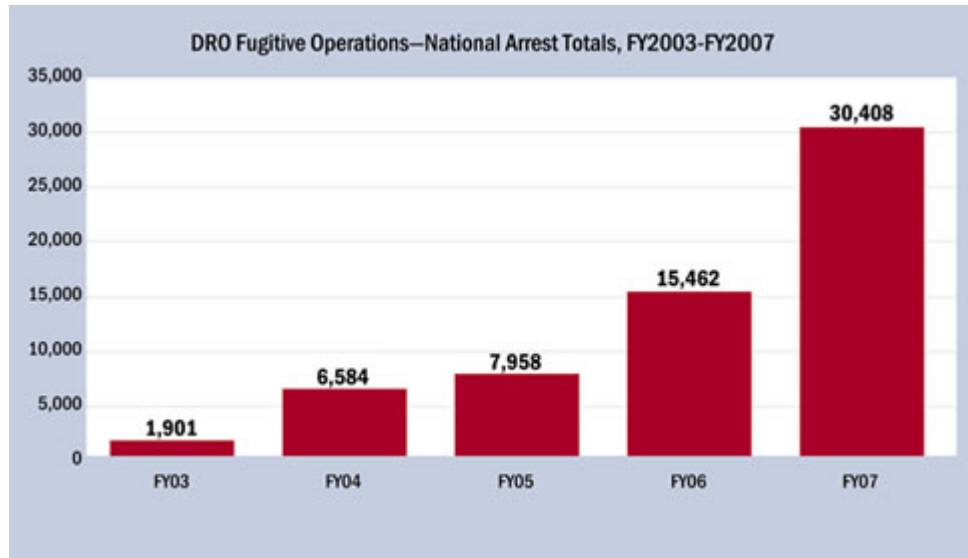
March by the Newark Fugitive Operations Team. He had previously been ordered removed from the country.

- **Rory Amoy Sinclair, 27, of Jamaica;** a criminal fugitive alien arrested in Atlanta was convicted by the Superior Court of Fulton County (Ga.) for sexual battery of a minor, possession of marijuana and contributing to the delinquency of a minor.

In addition to the expanded partnerships with local law enforcement agencies across the country, the newly created Fugitive Operations Support Center (FOCC) in Vermont, which aids in gathering and analyzing information on fugitive cases across the country, has also helped the Fugitive Operations Teams succeed. This center was opened last year and has since disseminated more than 150,000 case leads to ICE agents.

ICE established its Fugitive Operations Program in 2003 to eliminate the nation's backlog of immigration fugitives and ensure that deportation orders handed down by immigration judges are enforced. The teams prioritize cases involving immigration violators who pose a threat to national security and community safety. These include child sexual exploiters, suspected gang members and those who have convictions for any violent crimes.

ICE's Fugitive Operations Program is an integral part of the comprehensive multi-year plan launched by the Department of Homeland Security to secure America's borders and reduce illegal migration. That strategy seeks to gain operational control of both the northern and southern borders, while re-engineering the alien detention and removal system to ensure that illegal aliens are removed from the country quickly and efficiently.



-- ICE --

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department

1 of Homeland Security. ICE is comprised of  
2 five integrated divisions that form a 21st  
3 century law enforcement agency with broad  
4 responsibilities for a number of key  
homeland security priorities.

5 Last Modified: Tuesday, December 4, 2007  
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## EXHIBIT 2

1 **October 3, 2007**

2 **Largest-ever ICE operation targeting criminal aliens and illegal alien fugitives nets more than**  
 3 **1,300 arrests in Los Angeles area**

4 LOS ANGELES - More than 1,300 criminal aliens, immigration fugitives, and  
 5 immigration violators have been removed from the United States or are facing  
 6 deportation today following the largest special enforcement action ever carried  
 out by U.S. Immigration and Customs Enforcement (ICE) Fugitive Operations  
 Teams anywhere in the nation.



7 During the two-week operation in the Los Angeles area, which concluded  
 8 yesterday, ICE officers located and arrested 530 immigration violators who  
 9 were at large in five Southland counties - Los Angeles (187), Orange (62), Riverside/San Bernardino  
 10 (245), and Ventura (36). Of those arrested out in the community, a total of 258 were immigration  
 11 fugitives, aliens who have ignored final orders of deportation or who returned to the United States  
 illegally after being removed. More than half of the aliens located in the community had criminal  
 histories in addition to being in the country illegally.

12 As part of the enforcement effort, ICE officers also expanded their search for criminal aliens  
 13 incarcerated in area jails, taking custody of 797 previously unidentified deportable foreign nationals  
 14 who were scheduled for release from the county jails in Los Angeles, Orange, Riverside, San  
 Bernardino, and Ventura counties.

15 The results of the special operation were announced at a news conference here today by ICE Assistant  
 16 Secretary Julie L. Myers. Assistant Secretary Myers pointed out that of the more than 61,000 illegal  
 17 aliens arrested by ICE Fugitive Operations Teams since the first teams were created in 2003, roughly  
 17,331 had criminal convictions.

18 "ICE's Fugitive Operations Teams make a priority of cases involving those who have ignored orders to  
 19 leave our country and those who pose a threat to our communities," Assistant Secretary Myers said.  
 20 "The 1,300 taken into custody by ICE in the past two weeks include numerous suspected street gang  
 members, as well as aliens convicted of sex offenses, assaults and kidnapping. Our success is two-fold  
 - we have made our communities safer and protected the integrity of our nation's immigration system."

21 Among those arrested was Juan Cervantes-Gonzalez, 30, of Mexico. Cervantes, who was taken into  
 22 custody without incident at his San Bernardino home September 21, is a suspected street gang member  
 23 with prior convictions for transporting methamphetamine, burglary, and auto  
 theft.



24 Also taken into custody during the operation was Oscar Antonio Argueta-  
 25 Viera, 44, a Salvadoran national whose criminal history includes two  
 26 convictions for voluntary manslaughter as well as assault with a firearm.  
 27 Argueta, who was previously deported in 2003, is among the more than 45  
 criminal aliens arrested during the operation who are being prosecuted by the  
 United States Attorney's Office for re-entry after deportation, a felony that

1 carries a maximum sentence of 20 years in prison. In January 2007, the ICE office of detention and  
2 removal in Los Angeles established a violent criminal alien section specifically to target these types of  
cases for arrest and prosecution.

3 "For a decade and a half, the U.S. Attorney's Office has devoted considerable resources to prosecute  
4 criminal aliens who return to this country, which has made the crime of illegal re-entry after  
5 deportation the most prosecuted offense by this office," said United States Attorney George S.  
6 Cardona. "Working with law enforcement agencies such as ICE, we hope to send a message to  
criminal aliens who are deported - returning to the United States may very well lead straight to a  
federal prison cell."

7 The Fugitive Operations Program was established in 2003 to eliminate the nation's backlog of  
8 immigration fugitives and ensure that deportation orders handed down by immigration judges are  
9 enforced. Earlier this year, the nation's fugitive alien population showed its first-ever decline.  
Estimates now place the number of immigration fugitives in the United States at slightly under  
597,000, a decrease of more than 35,000 since October 2006.

10 Much of the credit for those results can be attributed to the rapid expansion of the program. Today,  
11 ICE has 75 Fugitive Operations Teams deployed across the country, including 23 added within the last  
12 year. There are now five fugitive operations teams permanently assigned to the greater Los Angeles  
area, more than any major city in the nation.

13 The majority of the aliens taken into custody this week in the Los Angeles area are Mexican nationals,  
14 but the group included immigration violators from 30 countries, such as Armenia, India, Indonesia,  
15 Jordan, and Peru. Since many of these individuals have already been through immigration  
proceedings, they are subject to immediate removal from the country. Of the aliens arrested during the  
16 past two weeks, more than 600 have already been returned to their native countries.

17 ICE's Fugitive Operations Program is an integral part of the comprehensive multi-year plan launched  
by the Department of Homeland Security to secure America's borders and reduce illegal migration.  
18 That strategy seeks to gain operational control of both the northern and southern borders, while re-  
engineering the detention and removal system to ensure that illegal aliens are removed from the  
19 country quickly and efficiently. The plan also involves strong interior enforcement efforts, including  
enhanced worksite enforcement and intensified efforts to track down and remove illegal aliens inside  
20 the United States.

21 -- ICE --

22 U.S. Immigration and Customs Enforcement  
23 (ICE) was established in March 2003 as the  
24 largest investigative arm of the Department  
of Homeland Security. ICE is comprised of  
25 five integrated divisions that form a 21st  
26 century law enforcement agency with broad  
responsibilities for a number of key

homeland security priorities.

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